

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

)	
)	
NATIONAL UNION FIRE INSURANCE)	No. C04-3435 JSW (BZ)
COMPANY OF PITTSBURGH,)	
PENNSYLVANIA, et al.,)	ORDER SCHEDULING
)	SETTLEMENT CONFERENCE
Plaintiff(s),)	
)	
)	
v.)	
)	
ELECTRIC TRANSIT)	
INCORPORATED, et al.,)	
)	
Defendant(s).)	
_____)	

The above matter was referred to Magistrate Judge Bernard Zimmerman for settlement purposes.

You are hereby notified that a settlement conference is scheduled for **Tuesday, April 15, 2008, at 9:00 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person or persons **not**

1 **directly involved** in the events which gave rise to the
2 litigation but with **full** authority to negotiate a settlement. A
3 person who needs to call another person not present before
4 accepting, rejecting or making any settlement offer does not
5 have full authority. If a party is a governmental entity, its
6 governing body shall designate one of its members or a senior
7 executive to appear at the Settlement Conference with authority
8 to participate in the Settlement Conference and, if a tentative
9 settlement agreement is reached, to recommend the agreement to
10 the governmental entity for its approval. An insured party
11 shall appear with a representative of the carrier with full
12 authority to negotiate up to the limits of coverage. Personal
13 attendance of a party representative **WILL NOT** be excused.

14 Each party shall prepare a Settlement Conference Statement,
15 which must be served on opposing counsel and shall be **faxed** to
16 the chambers of the Honorable Eugene Bogen at **662-332-6881** by
17 **Wednesday, April 9, 2008 by 6:00 p.m.** Pacific Standard Time.
18 The Statement shall **not** be filed with the Clerk of the Court.
19 The Settlement Conference Statement shall not exceed **ten** pages
20 of text and twenty pages of exhibits and shall include the
21 following:

- 22 1. A brief statement of the facts of the case.
- 23 2. A brief statement of the claims and defenses
24 including, but not limited to, statutory or other grounds upon
25 which the claims are founded.
- 26 3. A summary of the proceedings to date and any pending
27 motions.
- 28 4. An estimate of the cost and time to be expended for

1 further discovery, pretrial and trial.

2 5. For any party seeking relief, a description of the
3 relief sought, including an itemization of damages.

4 6. The parties' position on settlement, including present
5 demands and offers and a history of past settlement discussions.
6 The Court's time can best be used to assist the parties in
7 completing their negotiations, not in starting them. The
8 parties are urged to carefully evaluate their case before taking
9 a settlement position since extreme positions hinder the
10 settlement process.

11 Along with the Statement each party shall **fax** a document
12 of **no more than three pages** containing a **candid** evaluation of
13 the parties' likelihood of prevailing on the claims and
14 defenses, and any other information that party wishes not to
15 share with opposing counsel to the chambers of the Honorable
16 Eugene Bogen at **662-332-6881** by **Wednesday, April 9, 2008 by 6:00**
17 **p.m.** Pacific Standard Time. The more candid the parties are,
18 the more productive the conference will be. This document shall
19 **not** be served on opposing counsel.

20 It is not unusual for conferences to last three or more
21 hours. Parties are encouraged to participate and frankly
22 discuss their case. Statements they make during the conference
23 will not be admissible at trial in the event the case does not
24 settle. The parties should be prepared to discuss such issues
25 as:

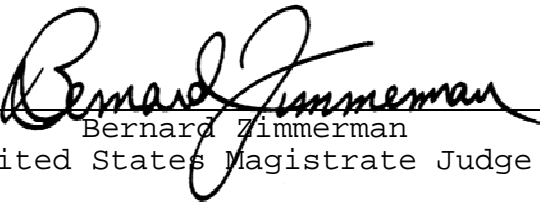
- 26 1. Their settlement objectives.
- 27 2. Any impediments to settlement they perceive.
- 28 3. Whether they have enough information to discuss

1 settlement. If not, what additional information is needed.

2 4. The possibility of a creative resolution of the dispute.

3 The parties shall notify Magistrate Judge Zimmerman's
4 chambers immediately if this case settles prior to the date set
5 for settlement conference. Counsel shall provide a copy of this
6 order to each party who will participate in the conference.

7 Dated: April 8, 2008

8
9 
10 Bernard Zimmerman
11 United States Magistrate Judge

12 g:\bzall\refs\refs.08\national union fire.sc.wpd
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28